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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**OFFICIAL**

Applicant:	DAVIS ET AL	Examiner:	MICHAEL V. MELLER
Serial No.	09/702,068	Group Art Unit:	1654
Filed:	OCTOBER 30, 2000		<b>RECEIVED CENTRAL FAX CENTER</b>
For:	ENZYMATIC TREATMENT OF WHEY PROTEINS FOR THE PRODUCTION OF ANTIHYPERTENSIVE PEPTIDES AND THE RESULTING PRODUCTS	Docket No.	DFI0012/US/2 MAY 24 2004 (FORMERLY: 267.011US1)
		Total Pages Faxed:	<u>12</u>

Office of Petitions  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

I CERTIFY THAT ON MAY 24, 2004, THIS PAPER IS BEING FACSIMILE  
 TRANSMITTED TO THE OFFICE OF PETITIONS AT FAX NUMBER

703-872-9307.



JAMIE A. EBACH

**PETITION UNDER 37 CFR 1.313(C)(1)**

Dear Sir or Madam:

Applicant hereby respectfully requests withdrawal of the above captioned application from issue, and entry of the attached amendment on the basis of following:

1. The above captioned application was allowed as indicated in a Notice of Allowance mailed January 28, 2004.
2. The Issue Fee in this Application was paid on April 23, 2004.
3. After payment of the issue fee, it was noted that claim 6 is a multiple dependent claim that depends from claim 5 and claim 32. Claim 32 is also a multiple dependent claim. 35 USC 112, fifth paragraph expressly states that a multiple dependent claim shall not serve as a basis for any other multiple dependent claim. This claim is therefore unpatentable.

Serial No. 09/702,068  
May 24, 2004

4. The amendment that forms part of this Petition corrects this error by amending claim 6 to no longer be a multiple dependent claim, and by reintroducing the subject matter excised from the claim as new claim 40. New claim 40 also is not a multiple dependent claim. This amendment therefore corrects the apparent error, and causes all claims in the application to be patentable.

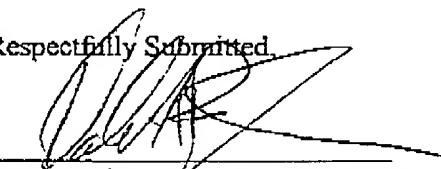
5. A petition fee of \$130 is applicable under 37 CFR 1.17(h). Please charge our Deposit Account No. 50-1775 for payment of this fee.

6. Because the Amendment filed December 18, 2003 cancelled four claims for which a fee had already been paid and did not add additional claims, no additional claim fee is believed to be necessary for the present amendment. If any fee is required, please charge our Deposit Account No. 50-1775 and notify us of the same.

Grant of the present petition to withdraw the above captioned application and to enter the attached amendment is respectfully requested. It additionally is submitted that the attached amendment removes a formal error in multiple dependency, and places the present application in immediate condition for allowance without introducing new matter or raising new examination issues. Passage of the amended present application to issue is therefore earnestly solicited.

Dated: May 24, 2004

By:

Respectfully Submitted,  
  
Dale A. Bjorkman, Reg. No. 33,084



33072  
PATENT TRADEMARK OFFICE  
Phone: (651) 275-9811  
Fax: (651) 351-2954

DAB/JAE/12906